

Attorney Docket: 1010-16 DIV

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant(s): C. Wilson, et al. Examiner: K. Kerr
Serial No: Divisional of Serial No. 09/302,620;
Serial No. not yet assigned Dated: April 30, 1999
Filed: Concurrently Art Unit: 1652
For: CYTOCHROME P450 MONOOXYGENASE AND
NADPH CYTOCHROME P450 OXIDOREDUCTASE
GENES AND PROTEINS RELATED TO THE OMEGA
HYDROXYLASE COMPLEX OF CANDIDA
TROPICALIS AND METHODS RELATING THERETO

Commissioner for Patents
Washington, D.C. 20231

PRELIMINARY AMENDMENT

Sir:

Please enter the following Preliminary Amendment in the above-identified application.


IN THE SPECIFICATION:

On page 1, at line 9, after "1998.", please insert the following --This application is a
divisional of co-pending U.S. Application Serial No. 09/302,620 filed on April 30, 1999,
incorporated herein by reference.--

CERTIFICATE OF MAILING UNDER 37 C.F.R. §1.10

I hereby certify that this Preliminary Amendment is being deposited with the United States Postal Service on
this date October 12, 2001 in an envelope as "Express Mail Post Office to Addressee" Mail Label Number EL913583446US
addressed to: Commissioner for Patents, Washington, DC 20231.

Dated: October 12, 2001


Frank Sardone

REMARKS

The claims in the application are 1-13. Entry of the amendment to the specification is respectfully requested.

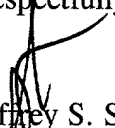
Attention is respectfully directed to the specification which now contains an elaboration of certain inherent disclosure contained in parent application Ser. No. 09/302,620. More particularly, in the Background, at page 3, an explanation is provided that certain eukaryotes had recently (approximately after 1989) been determined not to adhere to the "universal" genetic code. This applies to certain of the species of yeast, e.g., *C. tropicalis*, discussed in the present application. According to the "universal" genetic code used by most living organisms, the codon CTG is translated as a leucine whereas according to the so-called "non-universal" code described, e.g., by Ueda et al., *Biochemie* (1994) 76, 1217-1222, CTG is translated as a serine.

This dichotomy impacts on the present disclosure since both *Candida* and *E. coli* were used in the Examples contained in the specification. Thus, e.g., in Example 3, transformed *E. coli* that express the cloned genes would have actually used the universal genetic code and expressed proteins containing a leucine where coded for by the CTG codon. Conversely, when expressed in *C. tropicalis*, see e.g., Examples 4 and 9, genes having the CTG codon would translate a serine where appropriate.

Nine of the genes described in the present specification contain at least one CTG codon, namely, *CYP52A1A*, *CYP52A3B*, *CYP52A5A*, *CYP52A5B*, *CYP52A8A*, *CYP52A8B*, *CYP52D4A*, *CPRA* and *CPRB*. Since the nucleic acid sequences were disclosed in the parent application in connection with each of these genes, and they were subject to expression in both "universal" code organisms and "non-universal" code organisms, the disclosure of two versions of each of the *CYP52A1A*, *CYP52A3B*, *CYP52A5A*, *CYP52A5B*, *CYP52A8A*, *CYP52A8B*, *CYP52D4A*, *CPRA* and *CPRB* proteins is inherent in the parent specification. Consequently, the explicit indication of "non-universal" code versions as set forth in SEQ ID NOS. 110 through 118 is not new matter. See also, the Summary of the Invention and the paragraph bridging pages 27 and 28 of the present specification.

Favorable consideration of the application as amended is respectfully requested. Early favorable action is earnestly solicited. If this is any point requiring discussion, the Examiner is respectfully requested to telephone the undersigned attorney for Applicants at the below-listed address.

Respectfully submitted,


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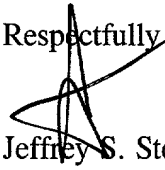
STATEMENT UNDER 37 C.F.R. §1.821(f)

Sir:

I hereby certify that:

The paper Sequence Listing and computer readable Sequence Listing submitted herewith are identical (37 C.F.R. §1.821(f)).

Respectfully submitted,



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